

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant      | : | Culbert et al.  |
| Appl. No.      | : | 10/714,819  |
| Filed          | : | November 17, 2003   |
| For            | : | BONE FIXATION SYSTEM<br>WITH RADICALLY<br>EXTENDABLE ANCHOR |
| Examiner       | : | Richard R. Schaffer   |
| Group Art Unit | : | 3733  |

## TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

***Disclaimer by Assignee***

Assignee, Triage Medical, Inc. ("Assignee"), hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application which would extend beyond the earliest expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 10/714,819, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the above-identified application and any of U.S. Patent Nos. 5,893,850, 6,348,053, 6,511,481, 6,648,890, and 6,685,706 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earliest expiration date of the full statutory term of any of U.S. Patent Nos. 5,893,850, 6,348,053, 6,511,481, 6,648,890, and 6,685,706, and that of any patent issuing on the above-identified application in the event that any one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is

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otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

***Right of Assignee and Ownership***

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100 percent interest in both the above-identified application and U.S. Patent Nos. 5,893,850, 6,348,053, 6,511,481, 6,648,890, and 6,685,706. The assignment to Assignee of the present application was recorded at Reel No. 016415, Frame No. 0835, on June 24, 2005 by the Assignment Branch of the Patent and Trademark Office.

Likewise, the assignment of Patent No. 5,893,850 was recorded at Reel No. 016182, Frame No. 0529 on May 3, 2005 by the Assignment Branch of the Patent and Trademark Office. The assignment of Patent No. 6,348,053 was recorded at Reel No. 016641, Frame No. 0888 on August 18, 2005 by the Assignment Branch of the Patent and Trademark Office. The assignment of Patent No. 6,511,481 was recorded at Reel No. 011943, Frame No. 0486 on July 9, 2001 by the Assignment Branch of the Patent and Trademark Office. The assignment of Patent No. 6,648,890 was recorded at Reel No. 011938, Frame No. 0869 on July 6, 2001 by the Assignment Branch of the Patent and Trademark Office. The assignment of Patent No. 6,685,706 was recorded at Reel No. 012669, Frame No. 0496 on March 18, 2002 by the Assignment Branch of the Patent and Trademark Office.

Therefore, Assignee represents that, to the best of Assignee's knowledge and belief, title is in Assignee seeking to take action.

***Empowerment of Attorney***

Pursuant to 37 C.F.R. 1.321(a) the undersigned attorney of record is empowered to act on behalf of Assignee, by virtue of a Power of Attorney.

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This Terminal Disclaimer is accompanied by the \$130 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6-19-07

By: 

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